

AMENDMENT
Serial No. 09/759,773

REMARKS

Claim 21 has been finally rejected as being allegedly anticipated by Kacheria which discloses the use of coarse sand to blast a diffusing surface in a lighting apparatus. Applicant respectfully traverses this rejection. Kacheria's reference to the use of coarse sand does not include selecting particles of a particular diameter range, nor does it include selecting particles of a particular shape, namely, from the group consisting of hexagonal, rhombohedral and spherical as recited in claim 21. A reference which omits explicitly recited claim elements cannot be the basis for a rejection under 35 USC 102(a). The fact that the Office Action makes no reference to particle shape shows that the Examiner implicitly admits that this feature is not recited in the reference. Therefore, the rejection under 35 USC 102(a) is clearly not proper and should be withdrawn.

Accordingly, an allowance of claim 21 is solicited.

Respectfully submitted,

Leonard Tachner

Registration No. 26,344

Dated: September 24, 2004

LEONARD TACHNER, A PROFESSIONAL
LAW CORPORATION
17961 Sky Park Circle, Suite 38-E
Irvine, CA 92614
Telephone: (949) 752-8525
Facsimile: (949) 955-2415

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to:
MAIL STOP AF

COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, Virginia 22313-1450

On 9-24-2004 (date)
LEONARD TACHNER, Registered Prop.

(Signature)

(Date)